



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,976	12/05/2003	Choon B. Shim	QOVI-001/00US	7230
22903 7590 08/03/2007 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 500 1200 - 19th Street, NW WASHINGTON, DC 20036-2402			EXAMINER SMITH, JOSHUA Y	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,976

Applicant(s)

SHIM ET AL.

Examiner

Joshua Smith

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892) -
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/07/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-17 rejected under 35 U.S.C. 102(e) as being anticipated by Corlett et al. (Pub. No.: US 2003/023710 A1), hereafter referred to as Corlett.

As for Claim 15, Corlett teaches in paragraphs [0008], [0211], [0212], and [0213], of user alert notifications and several alarms of severity, set to trigger at thresholds progressively closer to the violation of a service level agreement, and where the alarm capabilities and general measurement capabilities allow grouping of measurement vectors to generate measurement solutions (substantively the same as “setting an alert threshold” and “measuring a performance parameter” and “determining whether the measured performance parameter exceeds the alert threshold” and “notifying an administrator if the alert threshold has been exceeded” and “performing active testing if the alert threshold has been exceeded” in the instant invention).

As for Claim 16, Corlett further teaches in paragraph [0009] measurements involving sequential packet loss, packet jitter, and one-way latency (substantively the same as “the performance parameter is at least one of packet loss, jitter, and latency” in the instant invention).

As for Claim 17, Corlett teaches in paragraph [0211], user alerts may be viewed through a user interface and may activate notification functions such as e-mail, paging, or transmission of SNMP traps (substantively the same as “notifying includes sending at least one of an email, a page, and a SNMP message” in the instant invention).

Claims 20, 21, and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al. (Pub. No.: US 2004/0073817 A1), hereafter referred to as Liu.

As for Claim 20, Liu teaches in paragraph [0028], of a preset time delay is input by system administrators (substantively the same as “receiving a delay value from a user” in the instant invention).

Liu also teaches in paragraph [0030], of a UI controlling module used to search for current statuses of the power supply and UPSs (substantively the same as “reading a power status” in the instant invention).

Liu also teaches in paragraphs [0031] and [0032], of a monitoring device that queries to each primary UPSs and obtains operational states of the UPSs, which may be normal or malfunctioning and unusable, and if the number of usable primary UPSs

Art Unit: 2609

exceeds the total number of standby UPSs, the monitoring device sends out a shutdown instruction having the preset time delay to the electrically powered devices (substantively the same as "determining whether there is a loss of external power based on the power status; and selectively shutting down at least one resource after an amount of time provided by the delay value if it is determined that there is a loss of power" in the instant invention).

As for Claim 21, Lui further teaches in paragraph [0031], operational states of UPSs are obtained from feedback messages sent by the primary UPSs (substantively the same as "reading the power status is based on status data transmitted from an uninterruptible power supply" in the instant invention).

As for Claim 23, Lui further teaches in paragraph [0032], when the monitoring device sends out a shutdown instruction to the electrically powered devices, if there are programs being processed in the electrically powered devices, the in-process programs are saved and shut down (substantively the same as "backing-up data if it is determined that a power fault condition is imminent" in the instant invention).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2609

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (Patent No.: US 7,142,512 B1) in view of Chen et al. (Patent No.: US 6,870,835 B1), hereafter referred to as Kobayashi and Chen, respectively.

As for Claim 1, Kobayashi teaches in lines 41-44, column 7, of a control server (see item 102, FIG. 1, Sheet 1 of 19) that receives from and transmits to applications through an application interface (see item AP and item 604, FIG. 6, Sheet 5 of 19) (substantively the same as "a console" and "a control unit coupled to the console" in the instant invention).

Kobayashi shows in lines 43-46, column 5, and in FIG. 1, Sheet 1 of 19, of a control server (see item 102) connected to meters (see items 101) (substantively the same as "a first" unit "coupled to the control unit" in the instant invention).

Kobayashi shows in line 3, column 6, and in FIG. 2, Sheet 2 of 19, of a control server (see item 102) connected to a meter through two links, one for receiving and one for transmitting (substantively the same as "with a first link and a second link" in the instant invention).

Kobayashi teaches in lines 12, 16-17, and 27-29, of a control server that can transmit a control command and can receive measured data (substantively the same as "the first link ... for administrative messaging" and "the second link ... connection for status information" in the instant invention).

Art Unit: 2609

Kobayashi does not teach of IP-PBX, Ethernet connection, and asynchronous connection. However, in the same field of endeavor, Cooper teaches in lines 49-50, column 1, of Gigabit Ethernet connections to the network, and, in lines 49-51, column 10, serial link which can be asynchronous links (substantively the same as "including an Ethernet connection" and "including an asynchronous connection" in the instant invention).

In the same field of endeavor, Chen teaches in lines 62-63, column 1, of an Internet Protocol Public Branch Exchange (IPPBX) (substantively the same as "IP-PBX" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Chen into the network of Kobayashi since Chen provides a method where a user can utilize sophisticated communication services without requiring special communications equipment.

As for Claim 2, the limitations as applied to claim 1 teach the limitations except a second IP-PBX and a third link and a fourth link. Kobayashi further shows in lines 43-46, column 5, and in FIG. 1, Sheet 1 of 19, there may be more than one meter (see items 101), and, in lines 56-57, column 5, and in FIG. 2, Sheet 2 of 19, that each meter has two connections with the control server (substantively the same as "a second" unit "coupled to the control link with a third link and a fourth link" in the instant invention).

Art Unit: 2609

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chen, and in further view of Borresen et al. (Patent No.: US 7,032,129 B1), hereafter referred to as Borresen.

As for Claim 3, the references as applied to Claim 1 teach the limitations except a UPS coupled to a control unit with a third link. However, in the same field of endeavor, Borresen teaches in lines 9, and 14-15, column 4, of UPS (uninterruptible power supplies) having serial interfaces to a single board computer (substantively the same as "a UPS coupled to the control unit with a third link" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to adopt the invention of Borresen to the invention of Kobayashi since Borresen provides a way to connect newer network with legacy voice mail systems and to ensure connectivity though a fail-over support, giving reliable service to user of old systems.

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chen, and in further view of Cooper et al. (Patent No.: 7,221,650 B1), hereafter referred to as Cooper.

As for Claim 4, Kobayashi teaches in lines 41-44, column 7, of a control server (see item 102, FIG. 1, Sheet 1 of 19) that receives from and transmits to applications through an application interface (see item AP and item 604, FIG. 6, Sheet 5 of 19) (substantively the same as "a console" and "a control unit coupled to the console" in the instant invention).

Art Unit: 2609

Kobayashi teaches in lines 12, and 27-29, column 7, and in FIG. 6, Sheet 5 of 19, of a control server that transmits control commands through a control command transmitter (see item 603) (substantively the same as "a first interface ..., the first interface coupled to the control unit, the first interface ... for administrative messaging" in the instant invention).

Kobayashi teaches in lines 12, and 16-17, column 7, and in FIG. 6, Sheet 5 of 19, of a measured data receiver (see item 601) to receive measured data (substantively the same as "a second interface ..., the second interface coupled to the control unit, the second interface ... for status information" in the instant invention). Kobayashi does not teach of IP-PBX, Ethernet connection, and asynchronous connection.

However, in the same field of endeavor, Cooper teaches in lines 49-50, column 1, of Gigabit Ethernet connections to the network, and, in lines 49-51, column 10, serial link which can be asynchronous links (substantively the same as "including an Ethernet connection" and "including an asynchronous connection" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to adopt the invention of Cooper into the invention of Kobayashi since Cooper provides a method of identifying whether any signals are being lost in a switching device, improving the capabilities of the system of Kobayashi.

In the same field of endeavor, Chen teaches in lines 62-63, column 1, of an Internet Protocol Public Branch Exchange (IPPBX) (substantively the same as "IP-PBX" in the instant invention). The motivation to combine the invention of Chen with the invention of Kobayashi is discussed above with respect to Claim 1.

Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chen, and in further view of Clemens et al. (Pub. No.: US 2003/0161324 A1), hereafter referred to as Clemens.

As for Claim 5, Kobayashi shows in lines 43-46, column 5, and in FIG. 1, Sheet 1 of 19, of a control server (see item 102) connected to meters (see items 101) (substantively the same as "a control unit" and "coupled to the control unit" in the instant invention). Kobayashi does not teach of a IP-PBX or an Ethernet driver coupled to the IP-PBX.

However, in the same field of endeavor, Clemens teaches in paragraph [0045], of "data sent using Ethernet driver" (substantively the same as "the ... unit including a first Ethernet driver coupled to ..." in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to adopt the invention of Clemens into the invention of Kobayashi since Clemens provides a system and method of efficiently, reliably, and economically transmitting and receiving audio and video data, allowing the system to provide improved services.

In the same field of endeavor, Chen teaches in lines 62-63, column 1, of an Internet Protocol Public Branch Exchange (IPPBX) (substantively the same as "IP-PBX" in the instant invention). The motivation to combine the invention of Chen with the invention of Kobayashi is discussed above with respect to Claim 1.

Art Unit: 2609

As for Claim 6, the references as applied to Claim 5 teach the limitations except serial driver. Clemens, as applied to Claim 5, teaches in paragraph [0045], of "data sent using Ethernet driver", and also teaches in paragraph [0187] of an "Ethernet serial data link", implicitly teaching the Ethernet driver involves this serial data link (substantively the same as "control unit further includes a serial driver" in the instant invention). The motivation to combine the invention of Clemens with the invention of Kobayashi is discussed above with respect to Claim 5.

Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi as modified by Chen, Clemens, and applied to Claim 5 above and further in view of Levac et al. (Patent Number: 6,034,970), hereafter referred to as Levac.

As for Claim 7, the references as applied to Claim 5 teach the limitations except conversion module. However, in the same field of endeavor, Levac shows in lines 45-57, column 9, and in FIG. 3, Sheet 3 of 5, of a protocol converter that receives a message and determines if the communication is a type compatible with communication device items 18a-n (see items 18a, 18b and 18n, FIG. 1, Sheet 1 of 5), and if the message is not compatible, the message is sent to the convert stage (see item 58) before it is sent to the submit stage (see item 60) (substantively the same as "conversion module configured to convert between a first protocol ... and a second protocol" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Levac with the invention of Kobayashi since Levac provides system for messages of many types to be received

Art Unit: 2609

and displayed by different types of devices, allowing the system of Kobayashi to be flexible in conveying information to users.

Claims 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi as modified by Chen; Clemens, Levac, and applied to Claim 5 above and further in view of Brown et al. (Patent No. 6,381,321 B1), hereafter referred to as Brown.

As for Claim 8, the references as applied to Claim 5 teach the limitations except session controller, conversion module, management module, and session controller configured to couple components to conversion module when protocols are different.

However, in the same field of endeavor, Brown teaches in lines 12-12, and 14-16, column 10, and in FIG. 4, Sheet 5 of 12, of a session manager module (see item 430) coupled to a connection manager module (see item 445) and a system manager module (see item 425) through the core services module interface (see item 315a) (substantively the same as "a session controller coupled to the first ... driver" and "a management module coupled to the session controller" and "management module" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Brown with the invention of Kobayashi since Brown provides a system for dynamic configurability, flexibility, and scalability of telecommunication resources, facilitating the improvement and expansion of the system of Kobayashi.

In the same field of endeavor, Levac shows in lines 45-57, column 9, and in FIG. 3, Sheet 3 of 5, of a protocol converter that receives a message and determines if the

Art Unit: 2609

communication is a type compatible with communication device items 18a-n (see items 18a, 18b and 18n, FIG. 1, Sheet 1 of 5), and if the message is not compatible, the message is sent to the convert stage (see item 58) before it is sent to the submit stage (see item 60) (substantively the same as "session controller configured to determine whether a protocol ... matches a protocol in the ... module, the session controller further configured to couple the first ... driver to the ... module through the conversion module, if the protocol ... does not match the protocol in the ... module" in the instant invention). The motivation to combine the invention of Levac with the invention of Kobayashi is discussed above with respect to Claim 7.

As for Claim 9, the references as applied to Claims 5 and 8 teach the limitations except where if the protocols do match, the conversion module is not used. Levac further teaches in lines 48-57, column 9, and in FIG. 3, Sheet 3 of 5, if the messages do not need to be converted, the messages move directly from the data block (see items 56 and SERVER COMMAND) to the submit stage (see item 60) (substantively the same as "the session controller is further configured to couple the first ... driver to the ... module without using the first conversion module, if the protocol ... does match the protocol in the ... module" in the instant invention). The motivation to combine the invention of Levac with the invention of Kobayashi is discussed above with respect to Claim 7.

Art Unit: 2609

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chen, Clemens, Levac, and in further view of Charcranoon (Pub. No.: US 2004/0105391 A1), hereafter referred to as Charcranoon.

As for Claim 10, the references as applied to Claim 5 teach the limitations except a second driver, a filter, packet analysis module, and to monitor performance.

However, in the same field of endeavor, Levac teaches in lines 33-35, column 10, and in FIG. 5, Sheet 5 of 5, of a system with more than one device driver for local area networks (see items 26b and 26) (substantively the same as "a second ... driver coupled to the interface to the network" in the instant invention).

In the same field of endeavor, Charcranoon teaches in paragraph [0061], and in FIG. 7, Sheet 3 of 4, of a filter (see item 32) that performs groupings of packet headers received from a network according to an aggregate specification (substantively the same as "a filter coupled to the second ethernet, the filter configured to select packets" in the instant invention).

Charcranoon also teaches in paragraph [0068], and in FIG. 7, Sheet 3 of 4, of an analyzer (see item 92) that is connected to the output path of the filter and uses nodal packet loss records and line packet and line packet loss records to determine a per-hop, per aggregate, one-way, packet loss (substantively the same as "a packet analysis module coupled to the filter, the packet analysis module configured to monitor performance" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Charcranoon with the invention of Kobayashi since Charcranoon provides an architecture to obtain per-hop

Art Unit: 2609

one-way packet loss and delay in multi-class service networks, adding a capability to the system of Kobayashi.

Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chen, Clemens, Levac, Charcranoon, and in further view of Corlett et al. (Pub. No.: US 2003/0023710 A1), hereafter referred to as Corlett.

As for Claim 11, the references as applied to Claim 10 teach the limitations except packet selection based on type, session, origination IP address, and destination IP address. However, in the same field of endeavor, Corlett teaches in paragraphs [0003] and [0039], of measurements of service performance with the measurements involving IP source, IP destination address, and a service type (substantively the same as "based at least one of type, session, origination IP address, and destination IP address" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Corlett with the invention of Kobayashi since Corlett provides a system of measuring a network through extensive network metrics, adding to the capabilities of the system of Kobayashi.

As for Claim 12, the references as applied to Claim 10 teach the limitations except monitoring based on packet loss, jitter, and latency. However, in the same field of endeavor, Corlett teaches in paragraph [0009] measurements involving sequential packet loss, packet jitter, and one-way latency (substantively the same as "configured to monitor at least one of packet loss, jitter and latency" in the instant invention). The

Art Unit: 2609

motivation to combine the invention of Corlett with the invention of Kobayashi is discussed above with respect to Claim 11.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Xu (Pub. No.: US 2005/0068898 A1), hereafter referred to as Xu.

As for Claim 13, Kobayashi teaches in lines 41-44, column 7, of a control server (see item 102, FIG. 1, Sheet 1 of 19) that receives from and transmits to applications through an application interface (see item AP and item 604, FIG. 6, Sheet 5 of 19) (substantively the same as "a console" and "a first control unit coupleable to the console" in the instant invention).

Although Kobayashi does not teach of multiple control servers coupleable to the console, Kobayashi shows in lines 43-46, column 5, and in FIG. 1, Sheet 1 of 19, of a control server (see item 102) connected to meters (see items 101), showing that it is possible to have multiple units of one type (meters) to be connected to a single unit of another type (control server) (substantively the same as "a first control unit coupleable to the console" and "a second control unit coupleable to the console" in the instant invention).

Kobayashi teaches in lines 12, 16-17, and 27-29, of a control server that can transmit a control command and can receive measured data (substantively the same as "to perform administrative functions" in the instant invention).

Kobayashi does not teach of a console selectively coupled to wither one of two control units. However, in the same field of endeavor, Xu teaches in paragraph [0024],

Art Unit: 2609

of "In response to a control signal, the common point can be selectively connected to either the first connection point or to the second connection point" (substantively the same as "configured to be selectively coupled to one of the first ... unit and the second ... unit" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Xu with the invention of Kobayashi since Xu provides an architecture that efficiently connects switching circuits, allowing efficient use of resources in the system of Kobayashi.

Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Kalyanpur et al. (Patent No.: US 6,359,976 B1), hereafter referred to as Kalyanpur.

As for Claim 14, Kobayashi teaches in lines 41-44, column 7, of a control server (see item 102, FIG. 1, Sheet 1 of 19) that receives from and transmits to applications through an application interface (see item AP and item 604, FIG. 6, Sheet 5 of 19) (substantively the same as "a console" and "a first control unit coupled to the console" in the instant invention). Kobayashi does not teach of a control unit configured to aggregate performance data from other control units and allow access of the data to the console.

However, in the same field of endeavor, Kalyanpur shows in lines 63-64, column 5, and in lines 38-39, 55-57, and 61-63, column 7, and in lines 12-14, column 15, and in FIG. 1, Sheet 1 of 4, of a system to track and aggregate performance statistics for a communications network, where multiple network monitors (see items 119-122) capture

Art Unit: 2609

or detect signaling units sent between communication units and make a call or transaction record, which is then sent to the server (see item 124), which is connected to a work station (see item 126) that allows access to retrieve data of the server (substantively the same as "a third control unit coupled to the first control unit, the first control unit configured to aggregate performance data from the second and third control units, the console coupled to the third control unit for access to the aggregated performance data" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Kalyanpur with the invention of Kobayashi since Kalyanpur provides an alternative method where network quality and activity is monitored, aspects of which can improve the capabilities of the system of Kobayashi.

Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Duxbury et al. (Patent Number: 5,604,896) in view of Puppa et al. (Patent Number: 5,778,003), hereafter referred to as Duxbury and Puppa, respectively.

As for Claim 18, Duxbury teaches in lines 61-67, column 2, and in lines 36-38, and 46-50, column 6, of a gateway comprising an interface module, script support library (SSL), and a set of UNIX shell scripts and a set of UNIX shell functions, and where the gateway can detect errors or a catastrophic failure within itself and can return values indicating errors and catastrophic failure where the gateway needs to be restarted (substantively the same as "determining a status of an access node to a network" and "rebooting an access card if the status of the access node is an error" and

Art Unit: 2609

"an error" in the instant invention). Duxbury does not teach of notifying an administrator of the status and a loop-back condition.

However, in the same field of endeavor, Puppa teach in lines 33-34, column 1, and in lines 33-35, 41, column 2, of a method detecting a loopback condition in a trunk from a node, causing alarms on the T1 cards and out-of-service alarms are generated at the involved nodes, where a technician can repair the loopback problem (substantively the same as "notifying an administrator if the status is one of ... an alarm, and a loop-back condition" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Puppa with the invention of Duxbury since provides a method in which loop-back can be detected in T1 connections, which can be applied to components in the system of Duxbury.

Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Duxbury in view of Puppa, and in further view of Corlett et al. (Pub. No.: US 2003/0023710 A1), hereafter referred to as Corlett.

As for Claim 19, the references as applied to Claim 18 teach the limitations except email, a page, and SNMP message. However, in the same field of endeavor, Corlett teaches in paragraph [0211], user alerts may be viewed through a user interface and may activate notification functions such as e-mail, paging, or transmission of SNMP traps (substantively the same as "notifying includes sending at least one of an email, a page, and a SNMP message" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Corlett with

Art Unit: 2609

the invention of Duxbury since Corlett provides a system to monitor a network through extensive network metrics, ensuring that the quality of service of Duxbury is monitored closely and a drop in quality will be alerted to a user.

Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Chen.

As for Claim 22, Liu as applied to Claim 20 teaches the limitations except for IP-PBX. However, in the same field of endeavor, Chen teaches in lines 62-63, column 1, of an Internet Protocol Public Branch Exchange (IPPBX) (substantively the same as "IP-PBX" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Chen with the invention of Liu since Liu provides a method for efficiently shutting down devices and saving the information contained in them in the event of an eventual power failure, which can be applied to the computer stations in the system of Chen.

Claims 24-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chen, and in further view of LeBlanc et al. (Patent Number 5,508,707), hereafter referred to as LeBlanc.

As for Claim 24, Kobayashi shows in lines 43-46, column 5, and in FIG. 1, Sheet 1 of 19, of a control server (see item 102) connected to meters (see items 101) (substantively the same as "a control unit" and "coupled to the control unit" in the instant

Art Unit: 2609

invention). Kobayashi does not teach of IP-PBX, plurality of ports, storing of geographic information, identification, extension, and telephone connected to port.

However, in the same field of endeavor, LeBlanc teaches in line 6, column 16, a control unit is associated with a PBX (substantively the same as "a control unit" and "a IP-PBX coupled to the control unit" in the instant invention).

LeBlanc also teaches in lines 33-34, column 3, "a plurality of base stations or Radio Ports (RPs)" which "transmit radio signals to and receive radio signals from one or more subscriber wireless telephones" (substantively the same as "having a plurality of ports" and "a telephone coupled to one of the plurality of ports" in the instant invention).

LeBlanc also teaches in lines 12-13, column 5, connection "to a Public Safety Answering Point (PSAP) via a defacto standard (substantively the same as "an interface to a PSAP updater" in the instant invention).

LeBlanc also teaches in lines 32-33, column 5, and lines 37-39, column 6, of "how a base station monitors the location of the mobile unit by cell site" and "measurements of the mobile unit's signal strength which is detected by some number of neighboring base stations in order to calculate position", implicitly teaching that the locations of base stations and cell sites are known by a cellular system (substantively the same as "configured to store geographic information for each of the plurality of ports" and "associate ... the geographic information for the telephone" in the instant invention).

Art Unit: 2609

LeBlanc also teaches in line 23, column 2, of a "unit's identification or phone number" used by a cellular system to connect a call (substantively the same as "configured to store extension and identification information related to the telephone" and "associate extension, identification information,... for the telephone" in the instant invention).

LeBlanc also teaches in lines 1-3, column 16, "A control unit may automatically discover the addition/deletion or in/out change of a particular base station" (substantively the same as "configured to discover the one of the plurality of ports" in the instant invention).

LeBlanc also teaches in lines 18-20, column 4, a Terminal Mobility Data-store (TMD) which is operative to maintain data associated with terminals (substantively the same as "configured to store" and "associate ... information for the telephone" in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of LeBlanc with the invention of Kobayashi since the method of LeBlanc will allow an efficient location determination of wireless users and expand of the system capabilities of Kobayashi by allowing the monitoring of wireless activities and facilitate scalability into wireless networks.

Kobayashi does not teach of an IP-PBX.

In the same field of endeavor, Chen teaches in lines 62-63, column 1, of an Internet Protocol Public Branch Exchange (IPPBX) (substantively the same as "IP-PBX" in the instant invention). The motivation to combine the invention of Chen with the invention of Kobayashi is discussed above with respect to Claim 1.

As for Claim 25, LeBlanc teaches in lines 11-14, column 5, providing "the caller's Automatic Location Identification (ALI) ... via a defacto standard. ALI is generally accomplished by receiving the ANI, or Automatic Number Identification, during call setup to the PSAP" (substantively the same as "configured to output the associated extension, identification information, and the geographic information for the telephone to the interface to the PSAP updater" in the instant invention). The motivation to combine the invention of LeBlanc with the invention of Kobayashi is discussed above with respect to Claim 24.

Claim 26 appears to contain limitations in Claim 24, addressed above.

Claim 27 appears to contain limitations in Claim 25, addressed above.

Claim 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Corlett in view of Duxbury, Lui, and LeBlanc.

As for Claim 28, Corlett teaches in paragraphs [0008], [0211], [0212], and [0213], of user alert notifications and several alarms of severity, set to trigger at thresholds progressively closer to the violation of a service level agreement, and where the alarm capabilities and general measurement capabilities allow grouping of measurement vectors to generate measurement solutions (substantively the same as "monitoring

Art Unit: 2609

performance data” in the instant invention). Corlett does not teach of monitoring an access node, reading a power status, and performing a discover process.

Duxbury teaches in lines 61-67, column 2, and in lines 36-38, and 46-50, column 6, of a gateway comprising an interface module, script support library (SSL), and a set of UNIX shell scripts and a set of UNIX shell functions, and where the gateway can detect errors or a catastrophic failure within itself and can return values indicating errors and catastrophic failure where the gateway needs to be restarted (substantively the same as “monitoring an access node” in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Duxbury with the invention of Corlett since Corlett provides a system to monitor a network though extensive network metrics, ensuring that the quality of service of Duxbury is monitored closely and a drop in quality will be alerted to a user.

Lui teaches in paragraph [0030], of a UI controlling module used to search for current statuses of the power supply and UPSs (substantively the same as “reading a power status” in the instant invention). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Lui with the invention of Corlett since Lui can expand on the capabilities of Corlett by providing a method for monitoring uninterruptible power sources to expand on the system of monitoring network performance metrics of Corlett.

LeBlanc also teaches in lines 1-3, column 16, “A control unit may automatically discover the addition/deletion or in/out change of a particular base station” (substantively the same as “performing a discovery process” in the instant invention). It

Art Unit: 2609

would have been obvious to one skilled in the art at the time of the invention to combine the invention of LeBlanc with the invention of Corlett since the method of LeBlanc will allow an efficient location determination of wireless users and expand on the system of monitoring network performance metrics of Corlett by allowing the monitoring of wireless activities and facilitate scalability into wireless networks.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pruthi et al. (Pub. No.: US 2002/0105911 A1) shows an apparatus and method for collecting and analyzing communications data of interconnected networks. Jones et al. (Pub. No.: US 2005/0053001 A1) shows a system for monitoring and controlling network communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Smith whose telephone number is 571-270-1826. The examiner can normally be reached on Monday through Friday, 7:30 AM to 5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on 571-272-2194. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CHARLES D. GARBER
SUPERVISORY PATENT EXAMINER